



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

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Meeting Date: June 8, 2023

Agenda Item: 2023–2024 Bird Dog Training Seasons on Open Public Lands.

Action Needed: Final

Time Needed on Agenda for this Presentation: 15 minutes

Background: During the 2023 legislative session, Senate Bill (SB) 280 was discussed in both chambers and is anticipated to be adopted into law, which will establish the need for bird hunting dog trainers to obtain a D-5 license to train in Montana unless they are only training over birds raised in captivity. SB 280 will authorize the commission to adopt rules for dog training. In anticipation of the adoption of SB 280, the department has prepared this recommendation for a bird dog training season. While over time the sale of D-5 licenses will enhance the department's understanding of dog trainer numbers and activities, the department has reviewed available data on upland game bird (gray partridge, sage-grouse, sharp-tailed grouse, and ring-necked pheasant) nesting and brood-rearing dates and information from the published literature on the effects of disturbance on brood survival. Research suggests that the age of broods when dog training begins may be important. Other ground-nesting birds and waterfowl typically nest and raise broods during similar time frames and are subject to similar disruptions. Broods six to eight weeks old had higher survival when disturbed than broods half that age. Frequency of training on the same brood in a relatively small area may also influence chick survival. This information serves as the basis for the department's proposed dog training dates for public land.

Public Involvement Process and Results: Public input was accepted at the legislative hearings where this bill was discussed. A variety of training dates were suggested, including a start date of September 1. Other comments clarified that some training period prior to the standard September 1 upland game bird season opener was important for training with wild birds. Known bird dog trainers will be notified by mail or e-mail of the proposed regulation. Public comment on the department's proposal will be solicited for a four-week period starting April 19, 2023. Public comments will be posted online and provided to commissioners at least two weeks prior to the June commission meeting.

Analysis and Alternatives: Training hunting dogs to locate upland game birds can disturb broods that are still being tended by hens, which may increase their mortality rate, especially if the brood is young or if it is disturbed multiple times over a short period of time. The literature is somewhat inconsistent on the absolute effects of this activity.

Gray partridge: Peak nest initiation is May 13–19, but ranges from May 7–30, and 75% of nests were laid by June 3 (Weigand 1980). Peak hatch occurs June 19–25, but ranges from June 9–26. About 50% of nests hatched by June 22, and 75% of all nests hatched by July 5 (Weigand 1980). About 75% of partridge chicks would be at least 6 weeks old by August 16, whereas at least 50% would be 8 weeks old by August 18.

Greater sage-grouse: Median nest initiation in southeast Montana was April 30 but ranges from April 20–May 11 (Foster et al 2015). Peak hatch date averaged June 1 and ranges from May 14–June 4 in southeast Montana (Foster et al 2015). Average hatching dates in north-central Montana ranged from May 26–June 4 (Moynahan 2004). Hatching season on average ranges from May 6–July 8 in southeast Montana (Foster 2015). The end of early brood rearing was as early as July 13 to as late as August 10 (Foster et al. 2015).

Sharp-tailed grouse: Nest initiation ranged from April 17–June 12, with peak nest initiation falling between April 28–May 10 (Gunderson 1990, Milligan 2016–2018). Peak hatching tends to occur from about June 5–18 (Bosquet

1996, Gunderson 1990, Milligan 2016–2018). Sharp-tailed grouse chicks would be 6 weeks on July 23 and 8 weeks on August 7.

Ring-necked pheasant: Peak hatching is generally about the first 2 weeks of June. Most nests hatch between May 23–June 17 (Weigand and Janson 1976). Peak nest initiation for pheasants is likely about the same as sharp-tailed grouse, the first week in May. Pheasant chicks are 6-weeks old by July 22 and 8 weeks old by August 5.

Overall, prairie upland game birds in most years in Montana have peak hatching by June 20, and most broods are 6 weeks old by August 1.

Alternative A: The commission may vote to establish a bird dog training season on wild birds on public land that runs from August 1 through last day of February. A dog trainer may not train on public lands if additional land use regulations prohibit access during all or part of this training window. A training license will be required by anyone training bird dogs using wild birds regardless of land ownership, although season dates only apply to public lands.

Alternative B: The commission may vote to select different start or end dates for a public land bird dog training season or for training prohibitions on public land.

Alternative C: The commission may choose to offer no definition of a public land bird dog training season or a season prohibiting dog training on public land.

Agency Recommendation and Rationale: The department recommends the commission adopt the bird dog training season on wild birds on public lands in Montana to be August 1 through the last day of February, with no training allowed on public land from March 1 through July 31. A dog trainer may not train on public lands if additional land use regulations prohibit access during all or part of this training window. The department will prepare an addendum to the 2023 Upland Game Bird Seasons that will clearly identify the license requirements and fee, the season dates, and areas open to training as defined by statute and commission action. In subsequent years, this will be addressed as part of the upland game bird season setting.

Proposed Motion: I move the Fish and Wildlife Commission approve the bird dog training season on wild birds on open public land in Montana during August 1, 2023, through the last day of February 2024, with no training on public land from March 1 through July 31, 2024, as presented by the department.